

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

6 ePLUS, INC. : Civil Action No.
7 vs. : 3:09CV620
8 LAWSON SOFTWARE, INC. : January 11, 2011

COMPLETE TRANSCRIPT OF THE JURY TRIAL

BEFORE THE HONORABLE ROBERT E. PAYNE

UNITED STATES DISTRICT JUDGE, AND A JURY

APPEARANCES:

16 Scott L. Robertson, Esquire
17 Michael G. Strapp, Esquire
18 Jennifer A. Albert, Esquire
19 David M. Young, Esquire
 Goodwin Procter, LLP
 901 New York Avenue NW
 Suite 900
 Washington, D.C. 20001

20 Craig T. Merritt, Esquire
21 Christian & Barton, LLP
22 909 East Main Street
 Suite 1200
23 Richmond, Virginia 23219-3095
 Counsel for the plaintiff

Peppy Peterson, RPR
Official Court Reporter
United States District Court

Christopherson - Direct

1157

1 category?

2 A That's correct, yes.

3 Q The shopping cart in Lawson requisition self-service can
4 be dynamically built from results of conducting searches in the
5 item master; isn't that right?

6 A That is correct.

7 Q And it's also true that the shopping cart can also be
8 dynamically built using the results of searches in the vendor
9 punchout catalogs; right?

10 A That is also correct.

11 Q And when the user clicks a checkout in the items in your
12 shopping cart, they are moved into the requisition system, and
13 an actual requisition is created; isn't that right?

14 A I would actually define that slightly different.

15 Q All right. Do you recall giving a deposition in this
16 case?

17 A I certainly do.

18 Q And you were under oath?

19 A Uh-huh.

20 Q I believe you have your deposition transcript. It should
21 be in the first volume.

22 A Yep.

23 Q Could you go to page 77? Excuse me. I misspoke. 177.

24 A 177?

25 Q Yes, sir.

Christopherson - Direct

1158

1 A Okay. I'm not there yet.

2 Q Okay, take your time.

3 A Okay, 177.

4 Q Starting at about line 18?

5 A Starting with question, and then on the right-hand screen?

6 Q Let me read the question for you.

7 Question: And then on the right-hand screen in the card,
8 here you have four items that have been included in your
9 shopping cart. What happens to that when you click checkout?

10 Your answer: When you click checkout, then it would move
11 that information into the requisition system and actually
12 create a requisition.

13 Did you give that answer to that question at that time?

14 A I certainly did.

15 Q Okay. Thank you. Once a requisition is approved, the
16 requisition is released and then transferred to the purchase
17 order system; correct?

18 A That's correct, after it's been approved.

19 Q Talking just now about procurement punchout, when users
20 have filled their shopping carts, virtually speaking, and
21 checked out from the vendor website using the Lawson
22 procurement punchout, the chosen items and their prices are
23 returned to the Lawson server and a requisition is created
24 using the Lawson requisition self-service application; correct?

25 A Can you state that again? The second half of it basically

Christopherson - Direct

1159

1 is where I lost you. ^ you check out at the customer, not the
2 customer but the vendor site and then it was at that point
3 where I got lost.

4 Q Let me start over. Let's hear the whole question. When
5 users have filled their shopping carts, virtually speaking, and
6 checked out from the vendor website using Lawson procurement
7 punchout, the chosen items and their price are then returned to
8 the Lawson server, and a requisition is created using the
9 Lawson requisition self-service application; correct?

10 A That's correct.

11 Q Isn't it true that the current version of the Lawson
12 procurement punchout includes the capability to punch out to
13 multi-vendor catalogs?

14 A That's correct.

15 Q One of those examples of a site that you can go that is a
16 multi-catalog vendor -- excuse me, multi-vendor catalog, is
17 SciQuest; correct?

18 A That's correct.

19 Q Another example of a multi-vendor catalog site that's
20 available for the punchout procurement is an organization known
21 as GHX; correct?

22 A That is correct.

23 Q That stands for Global Healthcare Exchange?

24 A That's correct.

25 Q And Global Healthcare Exchange that provides this

Christopherson - Direct

1160

1 multi-vendor catalog capability is a punchout trading partner
2 of Lawson; correct?

3 A That's correct. They are on the list, yes.

4 Q It's an accurate statement to say that if Lawson could not
5 market a requisition module, it could not effectively compete
6 in the supply chain management product market?

7 A I would say that that would be an accurate statement, yes.

8 Q It's also accurate to say if Lawson could not offer a
9 purchase order module, Lawson could not effectively compete in
10 the supply chain management product market?

11 A That would also be correct.

12 Q You've heard a lot of talk about the implementation and
13 installation services that Lawson offers. I just want to be
14 clear that Lawson will provide implementation services to
15 assist its customers with importing vendor catalog data into
16 the item master.

17 A I didn't hear a question in that, sir.

18 Q Let me restate it then. Perhaps I misspoke. Is it true
19 that Lawson provides implementation services to assist its
20 customers with importing vendor catalog data into the item
21 master?

22 A If the customer so chooses and wants that service, yes, we
23 do.

24 Q So for most situations where a customer licenses the
25 supply chain management suite or the procurement modules we've

Christopherson - Direct

1161

1 been talking about in supply chain management, Lawson
2 professional services is going to provide the actual
3 installation and implementation services for that system;
4 correct?

5 A That's correct, yes.

6 Q All existing Lawson customers today are under maintenance
7 contracts with Lawson; correct?

8 A That's correct.

9 Q So all of the supply chain -- excuse me. All of the
10 supply -- let me restate that. All of the S3 procurement
11 products that are under contract today with Lawson customers,
12 they have maintenance contracts; is that right?

13 A Could you restate that?

14 Q Yeah. I'm sorry. It was a bad question. With respect to
15 the Lawson S3 procurement product that's at issue here, any
16 customer that has that product is under an existing maintenance
17 contract?

18 A That's correct.

19 Q There's been a lot of talk about this RFP process, and I
20 don't want to go through it again in detail, certainly, but
21 there is a standard set of answers for those common questions
22 that customers have about the S3 procurement product; correct?

23 A That is correct, yes.

24 Q I think if you'll look in your book to Exhibit 117.

25 A Okay.

Christopherson - Direct

1165

1 disseminated fairly widespread throughout the company; isn't
2 that right?

3 A If I said widespread, I certainly wasn't meaning -- take a
4 4,000-person company, it's not going out to even 3,000 of those
5 probably.

6 Q It's available, though, over a Lawson intranet website,
7 isn't it?

8 A I'm trying to recall the last time I've actually been able
9 to go out and look at any of the documents, and I don't recall
10 any -- I mean, I actually see very few in my current role.

11 Q Well, it's actually, according to you in your deposition,
12 disseminated among the director level?

13 A Correct.

14 Q The manager level?

15 A Yes.

16 Q And in some instances, down to individual contributor
17 level; do you recall that?

18 A Yes, I certainly do. That's going to depend on the
19 product and what the content is.

20 Q Isn't it a fact that before a new enhancement is released,
21 for example, with respect to this S3 supply chain management
22 module we've been talking about, Lawson does not engage in any
23 kind of intellectual property clearance investigation to insure
24 that enhanced features will not infringe the intellectual
25 property rights of third parties?

Christopherson - Direct

1166

1 A That's correct.

2 Q You don't do that, do you?

3 A I do not, no.

4 Q The company doesn't do that as a policy; correct?

5 A That's correct.

6 Q And since May of 2009 when this lawsuit was instituted,
7 Lawson has undertaken no efforts to modify or redesign its
8 existing S3 procurement products; is that right?

9 A That's correct.

10 MR. ROBERTSON: That's all the questions I have.

11 Thank you.

12 THE COURT: Why don't we take the afternoon recess.
13 It's time to take 20 minutes, ladies and gentlemen. You just
14 take your pads with you.

15

16 (Jury out.)

17

18 THE COURT: Counsel, I have word from the clerk's
19 office that ePlus intends to file 30,000 pages of exhibits
20 under seal. What is that about?

21 MR. MERRITT: Sounds terribly daunting. Let me try
22 to address this, Your Honor. Under Rule 103, we think that
23 we're required to make an offer of proof -- we'd like to do it
24 before we close -- with regard to damages testimony in exhibits
25 that were excluded by the Court's earlier rulings several

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

6 ePLUS, INC. : Civil Action No.
7 vs. : 3:09CV620
8 LAWSON SOFTWARE, INC. : January 13, 2011

11 COMPLETE TRANSCRIPT OF THE JURY TRIAL
12 BEFORE THE HONORABLE ROBERT E. PAYNE
13 UNITED STATES DISTRICT JUDGE, AND A JURY

APPEARANCES:

16 Scott L. Robertson, Esquire
Michael G. Strapp, Esquire
Jennifer A. Albert, Esquire
17 David M. Young, Esquire
Goodwin Procter, LLP
18 901 New York Avenue NW
Suite 900
19 Washington, D.C. 20001

20 Craig T. Merritt, Esquire
Christian & Barton, LLP
21 909 East Main Street
Suite 1200
22 Richmond, Virginia 23219-3095
Counsel for the plaintiff

Peppy Peterson, RPR
Official Court Reporter
United States District Court

CHRISTOPHERSON - DIRECT

1555

1 do. What he saw Dr. Weaver do with the software in
2 this case.

3 THE COURT: Objection sustained. Please
4 disregard the answer. One witness can't comment upon
5 what another witness has testified to in that fashion.

6 BY MS. STOLL-DeBELL:

7 Q I'm going to ask you some questions about UNSPSC
8 codes. Okay?

9 A Okay.

10 Q Are UNSPSC codes used to categorize similar
11 products for use with different kinds of analysis?

12 MR. ROBERTSON: Objection. Lack of
13 foundation.

14 MS. STOLL-DeBELL: I can lay a foundation.

15 THE COURT: All right.

16 BY MS. STOLL-DeBELL:

17 Q Do you know what UNSPSC codes are?

18 A Yes.

19 Q Do you work with them as part of your work for
20 Lawson software?

21 A Yes.

22 Q Does Lawson Software have the capability of using
23 UNSPSC codes?

24 A Yes.

25 Q Are UNSPSC codes used in Lawson Software to

CHRISTOPHERSON - DIRECT

1556

1 categorize similar products to be used for different
2 kinds of analysis?

3 A Yes.

4 Q Do they help companies analyze spending patterns?

5 A Yes.

6 Q Do UNSPSC codes identify generally equivalent
7 items?

8 MR. ROBERTSON: Objection, Your Honor. I
9 think that calls for an opinion, and it also intrudes
10 on an opinion with respect to infringement issues. So
11 it calls for a legal conclusion.

12 THE COURT: It calls for expert opinion, did
13 you say, or legal conclusion or what?

14 MR. ROBERTSON: It calls for an expert
15 opinion.

16 THE COURT: Your voice dropped off right
17 there at the end and I didn't hear it.

18 MR. ROBERTSON: I apologize, Your Honor.
19 Yes, it's seeking a legal opinion from this witness
20 and it calls for a legal conclusion in this case.

21 THE COURT: A legal opinion? Why is it a
22 legal opinion?

23 MR. ROBERTSON: Excuse me. I misspoke. It
24 calls for an expert opinion, Your Honor, and it seeks
25 a legal conclusion.

CHRISTOPHER - CROSS

1591

1 isn't that right, when you made this new release note
2 for Version 8.0.3?

3 A That's a term that was used by the technical
4 writer.

5 Q You're not trying to run away from "catalog," are
6 you, sir?

7 A No. You did ask me "did you use that term," and I
8 did not use that term.

9 Q I'm sorry. It was an indefinite pronoun. Did
10 Lawson use "catalog item" when it did these release
11 notes?

12 A Yes, it did.

13 Q On this import process?

14 A Yes.

15 Q It's the vendor that are provides the item catalog
16 in a CSV format; is that right?

17 A That's correct.

18 Q The vendor discloses or makes known that item
19 information in that CSV format, correct?

20 A Discloses to whom?

21 Q The customer.

22 A To the customer, yes.

23 Q And Lawson in this vendor import agreement process
24 calls that vendor information "item catalog
25 information," right?

CHRISTOPHER - CROSS

1592

1 A That's correct.

2 Q And you would agree with me that that item catalog
3 information disclosed by the vendor or the supplier
4 through a vendor agreement import process ends up in
5 the item master, correct?

6 A Say that again.

7 Q Yes. The vendor or the supplier who provides this
8 item catalog information to the customer can be
9 imported through this process we're talking about
10 here, this vendor agreement import, into the item
11 master?

12 MS. STOLL-DeBELL: Objection to form of the
13 question. It's unclear.

14 MR. ROBERTSON: I'll rephrase, Your Honor.

15 THE COURT: All right.

16 MS. STOLL-DeBELL: I think he talked about a
17 supplier being loaded in.

18 MR. ROBERTSON: I'll rephrase the question.

19 BY MR. ROBERTSON:

20 Q The vendor that has provided the catalog item
21 information in a CSV format ends up through this
22 process in the item master; isn't that right?

23 MS. STOLL-DeBELL: Objection. The vendor --
24 the question is unclear.

25 THE COURT: Are you asking whether the vendor

CHRISTOPHER - CROSS

1593

1 ends up in the item master?

2 MR. ROBERTSON: No.

3 THE COURT: That's what her objection is and
4 I think it's well taken.

5 MR. ROBERTSON: Let me rephrase then.

6 THE COURT: It's the item that ends up there,
7 I think.

8 BY MR. ROBERTSON:

9 Q The vendor provides the item catalog information
10 that ends up in the item master; isn't that right?

11 A That is some of the information that ends up
12 there.

13 Q Why don't you take a look at this vendor import
14 price agreement again. Let me see if I can refresh
15 your recollection on the process. If you would look
16 at the page that ends 428.

17 A Sorry about that. I was in the wrong document.

18 Q That's all right. Take your time. Do you see
19 that page is entitled, Vendor agreement import?

20 A That's correct.

21 Q And in the first box, it says, Vendor provides
22 item catalog in CSV format. Do you see that?

23 A That's correct.

24 MS. STOLL-DeBELL: Your Honor, he hasn't
25 asked him if this refreshes his recollection, and the

CHRISTOPHER - CROSS

1595

1 term CSV, correct?

2 A Yes.

3 Q Can you tell the jury again what a CSV file is?

4 A CSV is basically a comma separated values.

5 THE COURT: C-o-m-m-a?

6 THE WITNESS: Yes.

7 Q And those values that are being separated is data
8 with respect to the catalog item; isn't that right?

9 A It starts out that way, yes.

10 Q And that was disclosed or made known to the
11 customer by the vendor, right?

12 A Correct.

13 Q And in this page that we're looking at here now,
14 428, you'll see that there is a series of arrows
15 pointing to other boxes, and at the very end there's a
16 database, I believe.

17 Would you agree with me that that's what's being
18 characterized there?

19 A Some sort of a data repository, yes.

20 Q In there, it says, Create item master vendor item
21 records, do you see that?

22 A Correct.

23 Q So this through this chart, Lawson is showing a
24 customer how this vendor item catalog information that
25 it disclosed or made generally known ends up in this

CHRISTOPHER - CROSS

1596

1 database that is creating the item master and
2 containing vendor item records, correct?

3 A At a very high level, yes.

4 Q And in this imported file, which is this comma
5 separated value format, there are certain required
6 fields, correct?

7 A That's correct.

8 Q One of the required fields is a vendor item
9 number; isn't that right, sir?

10 A Correct.

11 Q And one of the required fields is a vendor item
12 description, correct?

13 A Correct.

14 Q And one of the required fields is a unit of
15 measure; isn't that right?

16 A Correct.

17 Q And one of the required fields is a unit price;
18 isn't that right?

19 A Correct.

20 Q If you turn to the page that ends 431, there are a
21 number of fields there. Are you comfortable now with
22 this exhibit that it is describing the vendor import
23 price agreements at a high level?

24 A It appears to be, yes.

25 MR. ROBERTSON: Your Honor, then I would move

CHRISTOPHER - CROSS

1598

1 a vendor agreement, correct?

2 A That's correct.

3 Q And we go through this phase 2, mark or unmark a
4 subset of vendor items for inclusion in the vendor
5 agreement, right?

6 A That's correct.

7 Q If it's a new item, it goes over and it's
8 indicated as yes to phase 3, import marked vendor
9 items for inclusion on vendor agreement, correct?

10 A That's correct.

11 Q And then it ends up in the item master there where
12 it says, Create item master vendor item records,
13 right?

14 A That's correct.

15 Q Let's go to the page we talked about that has
16 required fields which ends at 430.

17 A Ends at 430?

18 Q The Bates label that ends with 430, sir. Now,
19 it's talking about what actually was imported in that
20 file, right? I asked you about whether these were
21 required fields.

22 A It could. I've not seen this before, so give me a
23 chance to look at it. You've obviously had that
24 chance.

25 Q That's fair.

CHRISTOPHER - CROSS

1599

1 A Yes. Okay.

2 Q Just confirm for us that you agreed with me when I
3 asked you whether all four of these things were
4 required fields, correct?

5 A Correct.

6 Q If you turn to the next page, there's additional
7 fields, isn't there?

8 A That's correct.

9 Q One of the fields in this importing vendor
10 catalogs into the item master is, in No. 2, a vendor
11 item description. Do you see that?

12 A Correct.

13 Q And it's described as the vendor's item
14 description, right?

15 A That is correct.

16 Q That is who disclosed or made generally known that
17 description, right?

18 A That's correct.

19 Q The next one is a vendor item number. Do you see
20 that, number 3?

21 A Uh-huh.

22 Q It's the vendor identification code for the item;
23 isn't that right?

24 A That's correct.

25 Q The vendor made generally known or disclosed that

CHRISTOPHER - CROSS

1600

1 information when it provided this catalog data,
2 correct?

3 A That's correct.

4 Q The next one is UOM, do you see that, sir?

5 A Correct. Yes, I do.

6 Q That's the unit of measure, right?

7 A That is, yes.

8 Q That's one of the required things the vendor had
9 to do, right?

10 A Yes.

11 Q The next one is the item cost. Do you see that?

12 A Yes, I do.

13 Q That's also one of those required things that the
14 vendor had to make known or generally available to the
15 customer in order for this to be loaded into the item
16 master, correct?

17 A Correct.

18 Q The next one is a Lawson item number, okay? Do
19 you see that?

20 A Yes.

21 Q So now Lawson can create its own item number for
22 that, right?

23 A Correct.

24 Q But you can also have a field for a universal
25 product code, correct?

CHRISTOPHER - CROSS

1601

1 A Correct.

2 Q You can also have a field for stock-keeping units;
3 isn't that right?

4 A Correct.

5 Q Go down to No. 12. Do you see there they have
6 manufacturer item number?

7 A Yes, I do.

8 Q That's also information the vendor can provide
9 that can then be imported into the item master,
10 correct?

11 A That's correct.

12 Q And talked a little about these UNSPSC codes?

13 A Correct.

14 Q No. 16 talks about the -- actually, let me
15 rephrase. You're familiar with that UNSPSC code,
16 right?

17 A Right.

18 Q It's a hierarchy to drill down to try and identify
19 products, correct?

20 A Correct.

21 Q And yesterday I asked you if that could be used in
22 order for cross-referencing products, and I think you
23 agreed with me. Do you mean that?

24 A That was not yesterday. Two days ago, but yes.

25 Q Okay. Sorry. They're starting to blur together.

CHRISTOPHER - CROSS

1602

1 I appreciate that.

2 It also has a field for the UNSPSC family. Do you
3 see that?

4 A Correct.

5 Q Now, if you turn to the next page. There's a
6 black box around those four required fields there. Do
7 you see that?

8 A Correct.

9 Q So what's being emphasized here is this black box.
10 These are the required fields, but all these other
11 fields are available, right?

12 A Fair. We don't understand the content, but that
13 appears to be it, yes.

14 Q But these are the fields that are available in
15 this import process; isn't that right?

16 A These are the fields that are available?

17 Q That can be filled with catalog item data?

18 A These are for the fields, yes.

19 Q Why don't you turn to the next page.

20 THE COURT: Wait a minute. Is everything
21 listed on that page an available field?

22 THE WITNESS: Correct.

23 THE COURT: Including the four that are
24 bracketed.

25 THE WITNESS: Yes.

CHRISTOPHER - CROSS

1604

1 Q So alphanumeric means you can use the alphabet to
2 describe something or identify it or you can use
3 numbers, right?

4 A Correct.

5 Q You can use both?

6 A Correct.

7 Q There are at least five available user defined
8 fields for that purpose isn't that right?

9 A For alphanumeric, yes.

10 Q One of the things I can put in that field, isn't
11 it, sir, is the vendor name?

12 A You could put the vendor name there, yes.

13 Q If I put the vendor name in there, I come search
14 in the Lawson system by vendor name; is that right?

15 A You're searching for the alpha field.

16 Q If I'm searching in that alpha field, and it has
17 the vendor name, I could search by vendor name,
18 correct?

19 A You would get back those entries, yes.

20 Q Those vendors?

21 A Yes.

22 Q That I put in that user defined field?

23 A Correct.

24 Q Could you just go to the page that ends with 437.
25 That actually is identifying this vendor price

CHRISTOPHER - CROSS

1607

1 release notes, 8.03, purchase order release notes 1,
2 8.0.3, purchase order release notes. Let me focus on
3 what I want to get here.

4 This document contains release notes for the
5 purchase order application for 8.0.3, 28.0.3, purchase
6 order, purchase notes, purpose order release notes,
7 vendor catalog load, correct?

8 A Correct.

9 Q Now, there's another way for the item master to
10 get vendor catalog data into the -- excuse me.
11 There's another procedure that Lawson employs to get
12 catalog data into the item master, isn't there?

13 A Correct.

14 Q One of those processes is an EDI transaction;
15 isn't that right?

16 A You're talking about which transaction type?

17 Q EDI 832?

18 A Correct.

19 Q So you know if a Lawson customer, for example, has
20 that EDI Lawson module available to it as part of its
21 procurement process, it can use that EDI 832
22 transaction, right?

23 A 832 transaction gets it to the front door, yes.

24 Q And getting in through the front door in order to
25 get into that item master, you can get a price catalog

CHRISTOPHER - CROSS

1608

1 file; isn't that right?

2 A You do get a file, yes.

3 Q It's a catalog file, isn't it, sir?

4 A Correct, yes.

5 Q All right. And that price catalog file can
6 contain data such as the vendors item description,
7 correct?

8 A Correct.

9 Q Vendor identifier?

10 A Correct.

11 Q The price?

12 A Correct.

13 Q The unit of measure?

14 A Correct.

15 Q And the vendor's catalog number, correct?

16 A Correct.

17 Q And the vendor can send the user the vendor price
18 agreement import program, this vendor catalog we've
19 been talking about, in a CSV file that contains a
20 catalog of all the items the vendor can sell the user;
21 isn't that right?

22 A It could.

23 Q Do you have any doubt about that?

24 A I have no doubt that they can do it, yes.

25 Q In fact, customers who have the EDI module that

CHRISTOPHER - CROSS

1620

1 THE COURT: So that's sort of under the rule
2 of what's sauce for the goose is sauce for the gander,
3 right?

4 MS. STOLL-DeBELL: Yes, Your Honor.

5 MR. ROBERTSON: I understood, Your Honor,
6 that the question was he was able to answer in his
7 understanding.

8 THE COURT: Well, he was. And he's probing
9 the understanding. He was given the right to answer
10 as to his understanding. But you didn't ask the
11 question as to his understanding. You asked the
12 question in an objectionable form, and her objection
13 is sustained.

14 Q Let me ask it based on your understanding.

15 A Correct.

16 Q This is a chart that you created, right?

17 A That is correct.

18 Q And in this chart, you're saying that the vendor
19 gives this electronic format, which we've identified,
20 for example, as this CSV catalog file, gives that
21 information to the customer, okay. Is that right?

22 A That's correct.

23 Q So in your lay person understanding, by giving
24 that information, is it disclosing it to the customer?

25 A It's disclosing that to the customer.

CHRISTOPHER - CROSS

1621

1 Q And it's making it generally known to the
2 customer, right?

3 A It's making it known to that customer, yes.

4 Q You can load lots of catalog item data in this
5 item master, can't you, sir?

6 A Define "lots."

7 Q For example, Mr. Matias testified, he's from
8 Robert Wood Johnson that he had 36,000 items in his
9 item master, right?

10 A That's correct.

11 Q From 3,000 vendors. You were in the courtroom
12 when that testimony was played?

13 A I don't recall the exact numbers.

14 Q It was thousands?

15 A Yes.

16 Q And the Lawson procurement system has that ability
17 to load thousands of items from thousands of vendors,
18 right?

19 A Thousands of items from thousands of vendors?

20 Q Yes.

21 A So you're going to be saying tens of millions?

22 Q Well, it can have at least we know from the record
23 36,000 items can be loaded into it from 3,000 or so
24 vendors, right?

25 A Cumulative, yes.

CHRISTOPHER - CROSS

1622

1 Q Do you know what upper limit there is on the
2 number of items?

3 A It would depend on the field length of the item
4 number that Lawson has, and I don't recall what that
5 was, but that's in one of the previous slides, I
6 believe, that we looked at. It may have been.

7 Q Could it be more than 100,000 items?

8 A Could be.

9 Q Could it be more than 10,000 separate vendors?

10 A Yes.

11 Q And Lawson's procurement system, even it's core
12 procurement system out of the box, has that
13 capability, right?

14 A Correct.

15 Q You were asked whether or not Lawson sells
16 computers, right?

17 A Correct.

18 Q But you do sell services, right, sir?

19 A Correct, services for the software that we sell.

20 Q And services for the software that's at issue in
21 this case, right?

22 A Correct.

23 Q And one of the services you sell is you implement
24 the software modules and applications that are accused
25 in this case on the servers, the computers of your

CHRISTOPHER - CROSS

1623

1 customers, right? You've done that, sir, right?

2 A I have not, no.

3 Q But the company does it?

4 A Yes.

5 Q And the company makes a lot of money from doing
6 that, don't they?

7 A I actually do not get into any of the financials
8 on that.

9 Q But you know that the company does that as one of
10 its regular practices; isn't that right?

11 A Correct.

12 Q And the software that we're talking about is
13 intended to be used on computers, right?

14 A All software is intended to be used on computers.

15 Q Right. I mean, they're not doorstops or bookends.
16 They are intended to run on computers, right?

17 A One hopes so.

18 Q And Lawson knows that when it's implementing it on
19 the customers' computers, right?

20 A That's correct.

21 Q And these implementations, we know, for loading
22 this software that's at issue in this case can take
23 months, can't it?

24 A It can, yes.

25 Q It can take up to a year sometimes, can't it?

CHRISTOPHER - CROSS

1624

1 A Which particular software?

2 Q The software that's accused in this case, this
3 procurement software.

4 A Generally, it's not going to take a year to do
5 that.

6 Q Did you see the deposition testimony of Blount
7 that said it took seven months to load the software?

8 A Correct.

9 Q That's not a typical, is it?

10 A Seven months, not atypical, but also you have to
11 look at the full product set that they were probably
12 putting in. It may go beyond just the accused
13 products.

14 Q You talked a lot about the item master table. You
15 are familiar with the vendor item table, correct?

16 A The vendor item table?

17 Q Yes.

18 A Yes.

19 Q In that table there's a vendor identification,
20 right?

21 A Correct.

22 Q And I understood you to say that there can be
23 communication among these modules, right?

24 A There is, yes.

25 Q You're familiar with the table that's the

CHRISTOPHER - CROSS

1625

1 POITEMVEN?

2 A POITEMVEN?

3 Q Yes. That's the vendor item table?

4 A That's what it is, yes. That's the computer name
5 for it.

6 Q That's where that vendor item identification can
7 be, right?

8 A Correct.

9 Q That's also where you can have price information?

10 A Yes.

11 Q And the item number there serves to link the item
12 record to the ITEMMAST table; is that right?

13 A That's now the communication occurs, yes.

14 Q And the ITEMMAST table is the item master table;
15 isn't that right, sir?

16 A Correct.

17 Q And so between those two tables you can link the
18 item information that we've been talking about that's
19 in the item master table to the vendor information
20 that's provided in the vendor item table, right, sir?

21 A Correct.

22 Q You heard Mr. Niemeyer, the source code expert,
23 testify exactly to that, didn't you?

24 A That's the way relational databases work.

25 Q Exactly. Do you have the exhibit notebook that

CHRISTOPHER - CROSS

1627

1 right? Right in the middle, sir?

2 A All I see right now is fuzzy. But it appears to
3 be something there, yes. Item description, yes.

4 Q Would it help --

5 A Oh, okay.

6 THE COURT: Can you read it? If you can't,
7 you don't have to testify about it.

8 THE WITNESS: I can read it now that he's
9 highlighted it, yes.

10 Q It says, Item description, Dell Dimension 8100,
11 correct?

12 A Correct.

13 Q And that item description was disclosed or made
14 generally known by the vendor in this instance,
15 correct?

16 A I would say probably not.

17 Q Well, it came from that vendor, didn't it?

18 A I would say that the first few words, yes.

19 Q Okay. And the unit cost is there, too. Do you
20 see that? Up on the upper right?

21 A Right.

22 Q That cost, that pricing information, you said
23 comes from the vendor, correct?

24 A That's correct.

25 Q And at the bottom under the item description

CHRISTOPHER - CROSS

1631

1 A You have to define what seamlessly means.

2 Q This is your document. Do you have an
3 understanding of what "seamlessly" means?

4 A It's not my document, sir.

5 Q Well, it's a Lawson document. Lawson was
6 representing that the process is seamless, right?

7 A Well, we know --

8 Q Lawson was representing that --

9 THE COURT: You know, it would have just been
10 sufficient to have left the question where it was
11 because he already answered it was seamless and then
12 you get into it.

13 MR. ROBERTSON: I'll move on, Your Honor.

14 BY MR. ROBERTSON:

15 Q When the Lawson system punches out to the Punchout
16 creating the partner's catalog, you remain connected
17 to the Lawson system; is that right?

18 A Say that again.

19 Q Yes. When the Lawson system punches out to the
20 Punchout creating the partner's catalog, you remain
21 connected to the Lawson system, correct?

22 A Correct.

23 Q Let's take a look at the page that ends with Bates
24 label 261, if we could.

25 So here's the representation of this RSS Punchout

CHRISTOPHER - CROSS

1633

1 order, the PO there, is created by PO 100. That's
2 accurate, right?

3 A That's correct.

4 Q Then the purchase order can be sent to the vendor
5 using the Lawson EDI module, right?

6 A It can be, yes.

7 Q When the Lawson system was doing that, you
8 remained connected to the Lawson system at all times;
9 isn't that right, sir? Didn't you testify to that in
10 your deposition?

11 A It's connected, yes.

12 Q You were asked about page 265, sir. If you could
13 turn to that. Now, there's some questions about where
14 the software was running on this in this Punchout
15 demonstration. Let me just ask you, this was a joint
16 presentation by Lawson and Trinity Information
17 Systems, right?

18 A Correct.

19 Q So it's operating, as you can tell, I think you
20 pointed to it, sir, the URL address is Trinity Health
21 Organization, right?

22 A That is correct.

23 Q But after where it says TrinityHealth.org/, it
24 says "Lawson/portal," right?

25 A It does say that, yes.

CHRISTOPHER - CROSS

1634

1 Q So it's using the Lawson portal to be able to
2 access this data that appears here on this web page?

3 A On this screen, yes, absolutely.

4 Q And there are four vendors here, correct? There's
5 HP. There's Standard Register. There's Corporate
6 Express, and there's Grainger; is that right?

7 A That's correct.

8 Q So the Trinity customer using RSS and Punchout
9 from their computer has access this page to select the
10 product catalog it wants to search, right?

11 A That's correct.

12 Q When a customer such as Trinity -- excuse me. Let
13 me just make it generic. When a customer asks Lawson
14 to provide them with access to a Punchout trading
15 partner, Lawson provides that service for them, right?

16 A Can you state that again?

17 Q Sure. If a customer comes to Lawson and says that
18 I've got RSS, and I've got Punchout, and I want the
19 following 10 vendor catalogs to be available to me,
20 lawson will make that happen? They'll facilitate it,
21 right? It's one of the services you provide?

22 A We don't actually facilitate. The customer has to
23 have contract with those providers.

24 Q If the Court has a contract with that provider,
25 and they came to you, and they say, Will you put these